

**Amendments to the Drawings:**

The attached replacement drawing sheet makes changes to Fig. 15 and replaces the original sheet with Figs. 15

Attachment: Replacement Sheet

**REMARKS**

Claims 1, 3 and 6-17 are pending in this application. By this Amendment, claims 1, 6, 11 and 16, and Fig. 15 and the specification are amended. Claims 4 and 5 are canceled. No new matter is added.

Claims 1 and 5-7 were rejected under 35 U.S.C. §102(b) over Komatsu et al., JP-A-62-165874. The features of claims 4 and 5 have been incorporated into claim 1, rendering the rejection moot.

Claim 1 was rejected under 35 U.S.C. §102(b) over Yamamoto, JP-A-61-39373. The features of claims 4 and 5 have been amended into claim 1, rendering the rejection moot.

Claims 1, 3, 5-8 and 10 were rejected under 35 U.S.C. §103(a) over Richards, U.S. Patent No. 5,547,777, in view of Yamamoto. The features of claims 4 and 5 have been amended into claim 1, rendering the rejection moot.

Claim 4 was rejected under 35 U.S.C. §103(a) over either Yamamoto or Komatsu in view of Gionfriddo, U.S. Patent No. 4,689,280. The rejection is respectfully traversed with respect to amended claim 1.

Claim 1 calls for opposite end fuel cells, each of which is a dummy fuel cell generating no electrical power, at opposite ends of the plurality of fuel cells layered and each of the opposite end fuel cells of each of the plurality of multi-cell modules has an extended portion formed by extending each of the opposite end fuel cells of each of the plurality of multi-cell modules outwardly in a direction perpendicular to the fuel cell stacking direction of each of the plurality of multi-cell modules, each of the dummy fuel cells has an electrically conductive separator portion having substantially the same configuration as the plurality of cells and a protrusion fitted into an opening of the extended portion, and each of the plurality of multi-cell modules is restrained by the restraining member in the direction perpendicular to

a fuel cell stacking direction of each of the plurality of multi-cell modules at the extended portion. The Office Action, on page 4, admits that Komatsu fails to disclose dummy cells at opposite ends of the plurality of fuel cells. The Office Action also appears to admit that Yamamoto fails to disclose these features. The Office Action alleges that Gionfriddo discloses these features. Applicant respectfully disagrees.

Applicant respectfully asserts that Gionfriddo's end plate structure 50 is not extended as called for in claim 1 and is not an electrically conductive separator portion having substantially the same configuration as the plurality of cells and a protrusion fitted into an opening of the extended portion. Applicant respectfully asserts that Gionfriddo's end plate structure 50 clearly is shown as not extending beyond the bounds of the stack. Further, Gionfriddo's end plate structure 50 is not a dummy cell disposed on each opposite end of a plurality of multi-cell modules. That is, Gionfriddo only discloses one end plate on either end of a fuel cell stack which does not contain multi-cell modules. Also, Gionfriddo's end plate structure 50 does not teach or suggest an electrically conductive separator portion having substantially the same configuration as the plurality of cells and a protrusion fitted into an opening of the extended portion because the plates in Gionfriddo have no openings (see Fig. 2).

Therefore, it is respectfully requested the rejection be withdrawn.

Claim 4 was rejected under 35 U.S.C. §103(a) over Richards in view of Yamamoto and Gionfriddo. The rejection is traversed with respect to amended claim 1.

The Office Action, on page 4, admits that Richards and Yamamoto fail to disclose dummy cells at opposite ends of the plurality of fuel cells. Applicant respectfully asserts that that Gionfriddo fails to overcome the deficiencies of Richards and Yamamoto for the reasons discussed with respect to Yamamoto and Komatsu discussed above.

Therefore, it is respectfully requested the rejection be withdrawn.

Claims 9, 11, 16 and 17 were rejected under 35 U.S.C. §103(a) over Richards in view of Yamamoto and Barton et al., U.S. Patent No. 5,686,200 ("Barton"). The rejection is respectfully traversed.

Claims 9, 11, 16 and 17 depend from, and are patentable with independent claim 1, as well as for the additional features they recite. Further, Barton fails to overcome the deficiencies of Richards, Yamamoto, Komatsu and Gionfriddo. Therefore, it is respectfully requested that the rejection be withdrawn.

Claims 12-15 were rejected under 35 U.S.C. §103(a) over Richards in view of Yamamoto and Sugita et al., U.S. Patent No. 6,613,470 ("Sugita"). The rejection is respectfully traversed.

Claims 12-15 depend from, and are patentable with independent claim 1, as well as for the additional features they recite. Further, Sugita fails to overcome the deficiencies of Richards and Yamamoto. Therefore, it is respectfully requested that the rejection be withdrawn.

The disclosure was objected to because in Fig. 15, two different parts were numbered 33. Fig. 15 has been amended in accordance with the Examiner's helpful suggestions.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SDJ/mkg

Attachment:

Petition for Extension of Time  
Replacement Sheet

Date: October 8, 2008

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